

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 19, 2004

D042302 People v. Gordon

The judgment is modified to stay imposition of sentence on count 2. In all other respects the judgment is affirmed. The superior court is directed to amend the abstract of judgment and forward a copy to the Department of Corrections. Irion, J.; We Concur: Huffman, Acting P.J., Haller, J.

D043659 In re Alejandro A., a Juvenile

The appeal is dismissed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D039716 People v. Stanley

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Irion, J.

D042987 Cadlerock Joint Venture, L.P. v. Douglas Harwood Company et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D040808 Burrows et al. v. Qualcomm Incorporated

The petition for rehearing is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 20, 2004

D042255 Hawkes v. Sommer

The order granting the motion to strike Sommer's memoranda of costs is affirmed. Hawkes's motion for sanctions on appeal is granted; Sommer is ordered to pay Hawkes sanctions of \$3,000. Hawkes is also awarded her costs of appeal. Sommer is also ordered to pay \$3,000 in sanctions to the clerk of this court, who is directed to deposit said sum in the general fund. Sommer must pay all sanctions no later than 30 days after the date the remittitur is filed. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

D044125 Sun Valley Golf v. Superior Court of San Diego County/Mario B.

The petition is denied.

D042646 People v. Conate

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McDonald, J.

D042510 Petrosian v. Connor

We affirm the judgment. Petrosian to bear Dr. Connor's costs on appeal. Haller, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D042269 People v. Truax

The judgment is modified by striking the conviction of possessing heroin (Health & Saf.Code, section 11350, subd.(a)) (count 4). As so modified, the judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.

D042698 In re Michael S., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., McDonald, J.

D042088 People v. Johnson

The judgment is reversed to the extent it is based on a finding that appellant suffered two prior serious felony convictions, and the matter is remanded for retrial on the prior conviction allegations. In all other respects, the judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D041774 People v. Barker

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D043973 Rountree v. Superior Court of San Diego County/People

Let a writ issue directing the superior court to pay for the preparation of the reporter's transcript of the February 23, 2004 evidentiary hearing. This opinion is final as to this court five days after filing. (Cal. Rules of Court, rule 24(b)(3).) O'Rourke, J.; We Concur: Benke, Acting P.J., Haller, J.

D041923 People v. Miller

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 20, 2004 (continued)

D043033 Haggerty v. Superior Court of San Diego County/Guindazola

Let a writ issue directing the superior court to vacate its September 15, 2003 order and directing the court to redact those portions of the March 8, 2001 Internal Affairs report reflecting the investigating officer's conclusions, defined to mean the "thought processes of, and factual inferences and deductions drawn by, an officer investigating a complaint, concerning such matters as the credibility of witnesses or the significance, strength, or lack of evidence." (*City of San Jose v. Superior Court, supra*, 5 Cal.4th at p. 55.) Once that process is complete, the court is directed to order the remaining portions of the March 8, 2001 Internal Affairs report produced to Guindazola, with the proper protective order protections. Their parties to bear their own costs in this writ proceeding. CERTIFIED FOR PUBLICATION. Haller, J.; We Concur: McConnell, P.J., Benke. J.

D044113 In re Mayer on Habeas Corpus

The petition is denied.

D042063 People. v. Locke

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 21, 2004

D041317 People v. DiMaggio

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Benke, J.

**D043599 Anthony D. v. Superior Court of the County of San Diego/San Diego County Health
and Human Services Agency**

Respondent's unopposed motion to dismiss the petition for extraordinary writ relief as moot is granted.
The case is dismissed.

D042379 Parker v. Galvez et al.

The judgment is affirmed. Respondents are entitled to costs on appeal. McDonald, J.;
We Concur: Nares, Acting P.J., Irion, J.

D044114 In re Burks on Habeas Corpus

The petition is denied.

D044081 Tri-City Medical Center v. Superior Court of San Diego County/Jinatongthal

The petition is denied.

D044011 In re Alvarez on Habeas Corpus

The petition is denied.

D042602 In re Charles N., a Juvenile

The judgment committing Charles to CYA for a maximum five years is affirmed. Aaron, J.;
We Concur: Benke, Acting P.J., O'Rourke, J.

D043971 Jason A. v. Superior Court of San Diego County/Jessica A.

The petition is denied. The stay issued on March 23, 2004, is vacated.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 22, 2004

D042104 In re Michael E., a Juvenile

The juvenile court's true findings as to the offense of challenging another person in a public place to fight under Penal Code section 415 is reversed. The matter is remanded to the juvenile court so that, in accord with Welfare and Institutions Code section 702, it may declare the character of each of Michael's true findings for assault by means of force likely to produce great bodily injury, battery causing serious bodily injury and making criminal threats as felony or misdemeanor and modify the maximum term or the commitment to the California Youth Authority if any or all of the offenses are found to be misdemeanors. The judgment is otherwise affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., Aaron, J.

D041321 In re Marriage of Arenz-Roper and Roper

The order granting physical custody of Austin Arenz to Brian Roper is reversed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D044148 Avetissian v. Superior Court of San Diego County/People

The petition is denied.

D044164 In re Hanna S. on Habeas Corpus

The petition is denied.

D042729 In re Hanna S., a Juvenile

The order is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 23, 2004

D043988 Stori O. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Stori O. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D044016 Sandra R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Sandra R. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D044019 Leslie D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Leslie D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041578 People v. Delmark

The judgment is modified to reflect Delmark is to receive presentence credits of 261 days of actual custody credit plus 39 days of conduct credit for total credits of 300 days. The trial court is directed to amend the abstract of judgment and forward a copy to the Department of Corrections. In all other respects the judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., Nares, J.

D041792 Fago et al. v. Knott

Summary judgment is affirmed. Huffman, Acting P.J.; We Concur: Aaron, J., Irion, J.

D044052 Natalie M. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Barron S. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Barron S. is dismissed.

D043923 Ronald H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Ronald H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D044112 In re Montoya on Habeas Corpus

The petition is denied.